REMARKS

I. Status of Claims

The Applicants have carefully considered the Office Action dated June 12, 2008, and the references it cites. Currently, claims 14-20 are pending in this application and claims 1-13 and 21-29 are withdrawn from consideration. The Examiner rejects:

- claim 14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,550,593 to Nakabayashi (*Nakabayashi*);

- claims 15-18 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Publication No. 2002/0120681 to Cho et al. (*Cho*); and

- claim 19 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Publication No. 2002/0120681 to *Cho* in view of Official Notice.

In response, the Applicants submit the foregoing amendments and the following remarks.

Further, the Applicants respectfully submit that claim 20 was withdrawn from consideration in response restriction requirement dated January 9, 2008. However, claim 20 relies on claim 15 and, as such, the Applicants respectfully request consideration of claim 20.

I. Claim Rejections Under 35 U.S.C. § 102(b)

Claim 14 recites a method for processing image signals in a mobile terminal comprising, *inter alia*, displaying image signals received from the camera, coding each of the displayed image signals into still pictures, coding the captured image signals into image data units, coding audio signals into audio data units according to the image data units, adding image headers to each of the image data units, combining the image data units and audio data units, in response to a request to view a combined data signal, displaying a plurality of combined data units stored, accessing selected combined data, separating the image and audio data units, and decoding and reproducing the image and audio data units. The Applicants submit that the cited art fails to describe coding each of the displayed image signals into still pictures. Further, the Applicants submit that the rejection under 35 U.S.C. 102(b) is improper because the Examiner's rejection modifies the descriptions of *Nakabayashi*.

The Applicants submit that *Nakabayashi* does not describe coding the displayed image signals into still pictures. In the Office Action, the Examiner contends that *Nakabayashi* describes claim 14. In particular, the Examiner contends that the updated video data of *Nakabayashi* is analogous to coding the displayed image signals into still pictures. However, *Nakabayashi* describes interframe predictive coding that "include[s] only differential data between a standard updated picture and the succeeding picture, utilizing a very strong correlation between the frames of the moving picture data." *See Nakabayashi* at 6:9-12. Thus, *Nakabayashi* requires an "updated video data 22 [which] is one frame of video data encoded therein the same way as a still picture[.]" *See Nakabayashi* at 6:18-20. Further, "[t]he interframe predicted video data 23a, 23b, 23c, 23d are defined by determining the difference between the update video data and the video data of a subsequent frame[.]" *See Nakabayashi* at 6:22-24. Thus, *Nakabayashi* generates two types of images and this description is not analogous to claim 14, which recites coding each of the displayed image signals into still pictures.

Further, the Applicants respectfully submit that the rejection under 35 U.S.C. § 102(b) is improper. In particular, the Examiner contends that *Nakabayashi* describes coding audio signals according to the image data. Previously, the Examiner relied upon FIG. 3 and its corresponding description. But to support the proposition that *Nakabayashi* describes coding audio signals, the Examiner relies upon FIG. 6, which is a different embodiment that describes multiplexing audio and video. Clearly, the Examiner does not rely on FIG. 3 because it does not describe coding audio signals according to the image data. Rather, the embodiment of FIG. 3 describes that the video and audio signals are separately encoded and separately transmitted over the communications network that combines the audio with the video. *See Nakabayashi* at 6:43-52. As a result, the Examiner must graft the recitation from elsewhere and, as such, improperly relies upon a different embodiment to modify the existing systems described in *Nakabayashi*. Stated differently, the Examiner is attempting to modify the reference in formulating a rejection under 35 U.S.C. § 102(b). This is not proper under 35 U.S.C. § 102(b) because, to anticipate the claims, "the invention [must be] patented or described in a printed publication[.]" *See 35 U.S.C. § 102(b)*. Further, FIG. 6 of *Nakabayashi* creates a dynamic image "by encod[ing] the video encoding portion 58 according to an interframe predictive coding method." *See Nakabayaski* at 7:24-27. Clearly,

FIG. 3 and FIG. 6 are different systems and are not analogous to claim 14, which recites coding audio signals according to the image data.

In addition, the Applicants submit that the Examiner did not consider each and every described feature in claim 14. Specifically, the Applicants note that claim 14 expressly recites in response to a request to view a combined data signal, displaying a plurality of combined data units stored in the memory, accessing selected combined data, separating the image and audio data units via the image headers, and decoding and reproducing the image and audio data units. In the Office Action, the Examiner did not consider the recited features and indicate as to where such recitations could be found in *Nakabayashi*, which is in contrast to U.S. Patent and Trademark Office procedures that provides that "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." *See 37 C.F.R. § 1.104(c)(2)*.

Accordingly, the Applicants submit that independent claim 14 is not anticipated by (i.e., are not readable on) *Nakabayashi* at least for the above-noted reasons.

II. Claim Rejections Under 35 U.S.C. § 102(e)

Claim 15 recites a method for generating a combined signal in a mobile terminal comprising, *inter alia*, coding each of one or more image signals captured by the camera into still pictures based upon a frame size, inserting an image header containing image pattern information and frame size information into each of the coded image signals, and generating moving picture signals based on the coded image signals. The Applicants submit that the cited art fails to describe coding each of one or more image signals captured by the camera into still pictures and inserting image headers containing image pattern information and frame size information into each of the coded image signals.

The Applicants submit that *Cho* does not describe coding each of one or more image signals captured by the camera into still pictures. In rejecting claim 15, the Examiner contends that FIG. 10 of *Cho* describes coding image signals captured by the camera. However, FIG. 10 of *Cho* "is an exemplary view showing web page screens for providing an arbitrary information user with status information data[.]" *See Cho* at [0074]. In other words, FIG. of *Cho* shows that images are selectively generated based on a video file. Accordingly, *Cho* does not describe coding each of one or more image signals captured by the camera into still pictures as recited in claim 15.

Further, *Cho* does not describe inserting image headers containing image pattern information and frame size information into each of the coded image signals. Specifically, the Examiner contends that FIG. 10 of *Cho* also describes inserting an image header containing image pattern information and frame size information into each coded image signal. Clearly, FIG. 10 cannot describe such limitations because FIG. 10 of *Cho* is "an example of a method for outputting arbitrary status information from the apparatus for processing status information of the present invention[.]" *See Cho* at [0074]. Stated differently, and as illustrated in FIG. 10 of *Cho*, *Cho* describes arbitrary information such as captions for the video file. The Examiner also contends that FIG. 7 of Cho is analogous to the image header. Specifically, the Examiner relies upon the following description:

> Referring to FIG. 7, data managed by the apparatus for processing status information in accordance with the present invention includes a <u>header field 710 that is an identifier field of corresponding data</u>, an <u>area information field 720 indicative of area information</u> corresponding to status information data, a <u>temporal information field 730 indicative of temporal information</u> when the status information data is generated, a <u>theme field 740 indicative of a theme</u> of the status information data, a <u>data field 750 indicative of at least one combined data of video data, audio data and text data</u> which are contents of the status information data, and a <u>transmitting information field 760</u> indicative of information of an information provider which generates the status information data.

See Cho at [0065] (emphasis added). None of the headers of *Cho* describe, either implicitly or explicitly, image pattern information or frame size information. Thus, the Applicants submit that the described headers of *Cho* are not analogous to claim 15, which recites inserting image headers containing image pattern information and frame size information into each of the coded image signals.
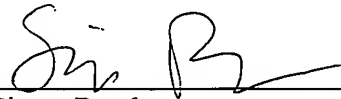
In rejecting claim 19, the Examiner contends that the concepts and advantages of JPEG are well known in the art. However, the Applicants traverse the official notice taken by the Examiner and submit that the advantages of JPEG are well known in the art with regard to a single image. Because claim 15 recites generating moving picture signals based on the coded image signals, the noticed fact is in error. Therefore, the Applicants submit should the Examiner continue to rely on Official Notice to reject claim 19, "the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained." *See MPEP § 2144.03(C)*.

Accordingly, the Applicants submit that independent claim 15 and all claims depending therefrom are not anticipated by (i.e., are not readable on) *Cho* at least for these reasons.

V. Conclusion

The Applicants submit that the above amendments and arguments are fully responsive to the Office Action dated June 12, 2008. Further, the Applicants submit that, for at least the foregoing reasons, all pending claims are in condition for allowance and notice to that effect is requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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